THE HON'BLE SRI JUSTICE P.S.NARAYANA

Writ Petition No.72 of 2007

Date: 2nd January, 2007

Between :-

Chunduri Seetharamanjaneyulu ..

Petitioner

And

The State of A.P.
rep.by its Principal Secretary,
Municipal & Urban Development Dept.,
Secretariat, Hyderabad and others ..
Respondents

THE HON'BLE SRI JUSTICE P.S.NARAYANA

Writ Petition No.72 of 2007

ORDER:-

The matter is coming up for *admission.*

2. A.G.P. for Municipal Administration takes notice on behalf of R.1; G.P. for R&B takes notice on behalf of R,2; Sri Nageshwar Reddy, the learned standing Counsel takes notice on behalf of R.3 and R.4; and A.G.P. for Home takes notice on behalf of R.5 and R.6.

3. The Writ Petition is filed for a Writ of Mandamus declaring the action of the respondents in marking a portion of the petitioner's house bearing D.No.15-22-5 and assessment No.1032005856 up to 20 feet in Kotla Bazar at Munthavari Centre, Chirala Municipal limits with a direction to demolish the same for road widening is illegal, irregular, highhanded, violative of principles of natural justice, pn of A.P. Municipalities Act and Rules framed thereunder and offends Articles 14, 21 and 300-A of the Constitution of India and consequently direct the respondents not to demolish any portion of the said building, its compound wall and site and pass such other suitable orders.

4. It is stated that the petitioner is the absolute owner

and possessor and enjoyer of the site and house property i.e., 2 stories building situated therein with door No.15-22-5, assessment No.1032005856 in Revenue Ward No.15 of Chirala Municipality and the petitioner acquired the property through his ancestors and it was purchased by his grandfather with his hard earnings and they constructed double storied building and after the death of his father, the petitioner acquired the same and ever since, the petitioner had been in possession and enjoyment of the said property. It is also stated that the two storied building is having approved plan from the 3rd respondent. It is also stated that on 28-6-2006 the petitioner received a marking plan from the 3rd respondent showing the site required for widening of road and structure to be removed and call ft objections within 60 days and on 1-8-2006 the petitioner filed his objections. It is further stated that the 3rd respondent, without looking into the objections of the petitioner, along with other respondents, forcibly started demolition of the neighbouring houses in Kotla Bazar at Munthavari Center Area. It is also further stated that the respondents warned the petitioner to remove his building up to marked portion of 20 feet depth from their respective compound wall within two days there from or lese, threatened to demolish

the same. Several other factual details also are narrated. It is stated that the respondents have no authority to take up the demolition activity unless and until the due process of law is followed.

5. In view of the facts and circumstances well explained, it is needless to say the respondents are bound to follow the due process of law before taking up any demolition activity in relation to the subject matter of the Writ Petition. Hence, the Writ Petition is disposed of directing the respondents not to resort to any demolition activity in relation to the subject matter unless and until the respondents follow the due process of law.

6. The Writ Petition is disposed of accordingly. No order as to costs.

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Justice P.S.Narayana

2nd January, 2007

Note: Operative portion of the order
By wire at party's costs
(B/o.smr)